



## MONTANA SECRETARY OF STATE

*Comm Secy*  
**LINDA McCULLOCH**

EXHIBIT 2  
DATE 01/16/2013  
HB 108

HB 108: Revise proof of ID requirements/residency for registering/voting  
House State Administration, Rm 455  
January 16, 2013 @ 8 a.m.  
Secretary of State Linda McCulloch's Testimony

Good morning Madam Chair, members of the committee. For the record, I am Linda McCulloch, Montana Secretary of State. I oppose House Bill 108, as it would limit the legal right for Montana residents to register to vote and cast a ballot.

Voting and participating in the elections process is one of the most fundamental rights we enjoy as American citizens - and there is no justification for making it harder for eligible Montanans to vote. Unfounded and vague allegations of voter fraud provide no defense for a measure that would suppress the will of the people of the state of Montana by disenfranchising voters.

The post-election audit and the lack of substantive reports of alleged cases of voter fraud, show that Montana's elections are secure and accurate. This Legislature should not waste taxpayer dollars debating solutions to a problem that does not exist. I urge you instead to focus on what can be done to maximize voter turnout and public participation in our Democracy.

This bill unnecessarily goes above and beyond the ID requirements outlined by the federal Help America Vote Act, which was signed by President Bush in 2002. Under current law, voters are required to show photo ID to vote at the polls, and to provide their driver's license number or the last four digits of their social security number to register to vote. There are only a few exceptions in which an individual can present an alternate form of ID to participate in elections. (Individuals who have never been issued a driver's license OR social security number may present a common and accepted form of identification to register. If they do not have photo ID, they may also present one of the accepted forms of ID to vote.)

Montana's current photo ID law helps to ensure the integrity of each and every one of our elections by providing all Montanans the means to register and vote. Nationwide, 11% of eligible voters do not have a government-issued photo ID. This percentage increases when looking at individual groups such as seniors, minorities, people with disabilities, low-income populations and students. These are the very groups that voter suppression efforts frequently target.

Reports show that 18% of seniors don't have a government-issued photo ID - and in many cases, were never issued one. Some seniors may also have never been issued a birth certificate, which can be one of the required documents to obtain a Montana photo ID. Individuals with limited physical mobility, lack of transportation, or rural Montanans who live miles (sometimes hundreds of miles) from the nearest DMV office would also experience difficulty in obtaining a Montana photo ID.

While the members of this committee may already have a Montana photo ID, or could obtain one easily, there are voters in this state who would be deterred by the costs associated with traveling to

the DMV, taking time off work, and paying for the required documents to obtain the ID. Remember that even if the ID is provided free of charge, the certified documents needed to obtain the ID are not.

This bill ultimately backs Montanans into a corner, where obtaining the specific photo identification required in the bill could be burdensome, costly - and in some cases, all together impossible.

With the cost to voters in mind, I ask you to consider how this bill differs from a poll tax - which we all know is prohibited under the 24<sup>th</sup> Amendment to the United States Constitution.

In fact, the states that have passed strict photo ID laws have been or are currently involved in lengthy and expensive legal challenges. What we can learn from present and past litigation is that not only is this bill unconstitutional with its 60-day residency requirement according to the U.S. Supreme Court, it also contains massive hidden costs to taxpayers. In order to uphold the fundamental right for every eligible person to cast a ballot in an election, we must ensure these IDs are provided free of charge (which you'll see reflected in the current fiscal note from the Department of Justice). What's not reflected in the fiscal note is the cost to voters to obtain certified copies of the documents required to receive a Montana specific photo ID.

Additional costs not reflected in the fiscal note include the expense to:

- Open additional DMV licensing or ID stations to ensure that every county has one.
- Extend the hours that the driver's license offices are open, especially in rural areas.
- Implement mobile driver's license stations
- Provide for public and voter education outreach; and
- Train election officials and poll workers.

When you couple these expenses with the expense of defending the state in court challenges – all you're left with is an extremely expensive proposal that would deny your constituents and eligible Montanans their right to vote by making them jump through unnecessary hurdles before casting a ballot.

As I understand the Sponsor's testimony, this bill is intended to prevent individuals from voting without first obtaining a valid Montana photo ID. Keep in mind that in the Sponsor's estimation, these individuals are not really Montana residents even though they meet the requirements in law. Also, keep in mind that residency for college tuition purposes is a separate and completely different issue than residency for voting. All this bill does is send those individuals to the DMV office before voting – where they must provide alternate forms of ID to obtain a Montana photo ID card. In fact, at least one of the forms of ID accepted to obtain a state-photo ID card, is the same form being removed from the list of identification accepted for voter registration and voting.

As Chief Elections Officer, I cannot support any measure that limits a Montanan's fundamental right to register and to vote by imposing unneeded bureaucracy and costs upon our qualified voters. As you consider this bill, consider all the Montanans that could be denied their right to vote. Consider the seniors, minorities, people with disabilities, low-income populations, students, our military men and women, and their families who are stationed in Montana. I urge you to oppose HB 108. Thank you for your time.